

### **REMARKS**

Claims 1-175 are pending in this application. The specification has been amended, *supra*, to incorporate Sequence Identification numbers in the accompanying Sequence Listing. No new matter has been introduced. Accordingly, entry of the amendments is respectfully requested.

#### **Response to the Sequence Listing Requirement:**

The Office Action requires that a Sequence Listing be submitted for this application (including both a paper copy and a computer readable form) and that the specification be amended to introduce the Sequence Identification Numbers from that Sequence Listing, where appropriate. In response, Applicants note that this application is a continuation-in-part ("CIP") of U.S. patent application Serial No. 09/863,765 filed May 23, 2001 ("the '765 application"). The computer readable form of the Sequence Listing in this CIP application is the same as that submitted on January 30, 2004 for the '765 application. In accordance, therefore, with 37 C.F.R. § 1.821(e), please use the computer readable form of the Sequence Listing filed in the '765 application as the computer readable form for this application.

A paper copy of the Sequence Listing submitted on January 30, 2004 for the '765 application is attached hereto, for entry into this CIP application. Pursuant to the requirements of 37 C.F.R. § 1.821(f) and (g), the undersigned representative hereby states that the content of the attached paper Sequence Listing is identical to the computer readable form in the '765 application, and that the Sequence Listing does not contain new matter. Entry of the paper copy of the Sequence Listing submitted herewith and use of the computer readable form in the '765 application are therefore respectfully requested.

Finally, Applicants also note that the specification has been amended, *supra*, to incorporate Sequence Identification numbers from the accompanying Sequence Listing. It is therefore believed that the Sequence Listing Requirement set forth in the Office Action are satisfied by this response. Entry and consideration of the accompanying Sequence Listing is therefore requested.

**Response to Restriction Requirement:**

The Examiner has required, in the Official Action, a restriction of the pending claims to one of the following claim groups:

- Group I: Claims 1-24, 28-40 and 151, directed to methods of selecting a crossover location;
- Group II: Claims 25-27, directed to methods for directed evolution of a polymer;
- Group III: Claims 41-70, 111-117, 120-126, 131-134, 139-140 and 152-171, directed to a method of producing hybrid polymers from two or more parent polymers;
- Group IV: Claims 71-100, 118-119, 127-130, 135-138 and 141, drawn to a method of producing a library of hybrid polymers;
- Group V: Claims 101-110, drawn to a method of modeling the recombination of two or more parent polymers;
- Group VI: Claim 142, drawn to a method of producing recombinant oligonucleotides by staggered extension processes;
- Group VII: Claims 143-145, drawn to a method of producing recombinant oligonucleotides by recombination;
- Group VIII: Claims 146-149, drawn to a method for producing recombinant oligonucleotides by PCR amplification;
- Group IX: Claims 150-151, drawn to a method of producing recombinant oligonucleotides by family shuffling;

Group X: Claims 172-173, drawn to a  $\beta$ -lactamase hybrid; and

Group XI: Claims 174-175, drawn to a hybrid polymer comprising peptide.

In order to be fully responsive to the Requirement for Restriction, Applicants hereby provisionally elect, with traverse, to prosecute the claims of Group III (*i.e.*, claims 41-70, 111-117, 120-126, 131-134 and 139-140) directed to methods of producing hybrid polymers. However, Applicants respectfully traverse the Requirement for Restriction and reserve the right to petition therefrom under 37 C.F.R. 1.144. In particular, Applicants respectfully request that the Requirement for Restriction be withdrawn, so that all of the pending claims may be examined together in this application.

Under Patent Office examining procedures, "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims directed to distinct or individual inventions." See, M.P.E.P. 803 (emphasis added). The groups of claims designated in this Official Action do not define methods or compositions which are sufficiently distinct to warrant separate examination and searches. For these reasons, Applicants respectfully request that the Requirement for Restriction be withdrawn, and that all of the pending claims be examined together in this application.

Respectfully submitted,

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